IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5505 OF 2005

Shailaja Annaso Rajebhosale & Ors...Petitioners.

Vs.

The State of Maharashtra & Ors. ..Respondents.

....

Mr.M.B.Pahane for the Petitioners.

CORAM : A.P.SHAH &

DR.D.Y.CHANDRACHUD, JJ.

19th August, 2005.

P.C. :

Mentioned. Not on Board.

Heard counsel appearing for the Petitioner. The issue raised in the Petition is covered by paragraph 12 of the decision of the Supreme Court in **Kasambhai F. Ghanchi v. Chandubhai D. Rajput** (1998) Mh.L.J. 1. In paragraph 12 the Court observed thus :

"Just as all members of the municipality,

> irrespective of the fact whether they had been elected to a reserved seat or not, are eligible for election to the post of the President when it falls in the general category, similarly when as per the roster the President is to be one who, say, belongs to the category of Scheduled Caste then all members of the municipality who are Scheduled Caste irrespective of the seat to which they had been elected, would be eligible to stand for election."

Therefore the contention of the Petitioners that only candidates elected from the general category are entitled to contest for the post of Sarpanch which is reserved in general category cannot be accepted. The Petition is dismissed.